

Salisbury, North Carolina
March 17, 2009

REGULAR MEETING

PRESENT: Mayor Pro Tem Paul B. Woodson, Jr., Presiding; Councilmen William (Bill) Burgin, William (Pete) Kennedy, and Mark N. Lewis; City Manager David W. Treme; City Clerk Myra B. Heard; and City Attorney F. Rivers Lawther, Jr.

ABSENT: Mayor Susan W. Kluttz

The meeting was called to order by Mayor Pro Tem Woodson at 4:00 p.m. The invocation was given by Councilman Lewis.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Woodson led those present in the Pledge of Allegiance to the United States flag.

RECOGNITION OF VISITORS

Mayor Pro Tem Woodson recognized all visitors present.

RECOGNITION OF RETIRING OFFICER J.D. BARBER

Police Chief Mark Wilhelm informed Council that Detective J. D. Barber retired February 27, 2009 after 30 years of service in law enforcement. He asked Council for their consideration to issue Detective Barber his badge and sidearm.

Councilman Burgin and Council thanked Detective Barber, who was unable to attend the meeting, for his service to the City.

Thereupon, Mr. Burgin made a **motion** to authorize issuing to Officer J. D. Barber his badge and sidearm for his service to the City. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis and Woodson voted AYE. (4-0)

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular meeting of March 3, 2009.

(b) Budget Ordinance

Adopt a budget Ordinance amendment to the FY2008-2009 budget in the amount of 11,314.70 to appropriate various donations received by Parks and Recreation.

AN ORDINANCE AMENDING THE 2008-2009 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE VARIOUS RECREATION DONATIONS.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 14, and is known as Ordinance 2009-13.)

Thereupon, Mr. Kennedy made a **motion** to adopt the Consent Agenda as presented. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis and Woodson voted AYE. (4-0)

PRESENTATION FROM “SPECIAL COMMUNITY EFFORTS GROUPS”

Mayor Pro Tem Woodson opened the floor to receive requests from Special Community Efforts Groups.

Mr. Charles Patton, Mr. Robert Howell, and Mr. Mike Hallett reviewed the vision and mission for Students in Training (SIT). Mr. Howell explained that their mission is to provide free upgraded computers and low cost technology services to those in need. He requested Council’s consideration of \$15,000 to provide 75 free computers to the community and noted that 10% of the funds will be used for a SIT scholarship fund. Mr. Hallett, Executive Director for SIT, stated that the North Carolina Department of Social Services recently announced there are over 20,000 families in need throughout Rowan County. He noted that although SIT donated 600 computers last year, they were only able to impact 3% of the community. He added that they would like to do more and would appreciate Council’s support.

Ms. Eleanor Qadirah, Rowan Blues and Jazz Society, displayed pictures of the 2008 Blues and Jazz Festival. She pointed out that the festival attracts a diverse group and asked for Council's consideration of \$3,000 for the Society.

Ms. Kaye Hirst and Mr. Ed Norvell, Rowan Museum, thanked Council for their continued support of Rowan Museum. Mr. Norvell stated that the Museum has two sites in downtown Salisbury and indicated that he feels they are an integral part of the downtown area. He pointed out that the Museum preserves, shares and educates the community. Ms. Hirst stated that the Museum only has two full time staff members and she feels that they are good stewards of the monies given to them. She noted that during the current school year over 5,000 students are scheduled to visit the Museum. She indicated that Rowan Museum is the keeper of the community's history and asked Council for their continued support.

Mr. Randy Hemann and Mr. Dick Huffman, Downtown Salisbury, Inc. (DSI) stated that DSI has had over \$100 million dollars in investment in downtown Salisbury, with \$40 million occurring since 2001. Mr. Huffman pointed out that there has been a net gain of 943 new jobs and 288 buildings that have been renovated in Salisbury. He noted that much of their funding comes from the Municipal Tax Service District. He added that the tax base for downtown Salisbury has doubled since 1989. Mr. Huffman reviewed DSI's current and additional goals. He stated that the current DSI allocation from the City is \$98,500 and asked that Council consider a 3% increase appropriation for a total of \$101,455.

Mr. Mark Brown and Mr. Sturges Bryan, North Carolina Transportation Museum Foundation, thanked Council for their past support and requested continued support for the Museum. Mr. Brown stated that billboards located on the interstate keep the Museum visible to those passing through the area. He added that he feels the billboards will continue to do good things and noted that marketing is a greater need now with the downturn in the economy. He asked Council for their continued support of the Museum.

Councilman Kennedy noted that Council received a packet from the Rufty-Holmes Senior Center and that they are requesting the same funding as last year.

SPECIAL USE DISTRICT PERMIT Z-24S-99 – LONE HICKORY SUBDIVISION

Amendment to Special Use District Permit Z-24S-99

(a) Swearing In

Mayor Pro Tem Woodson swore the following persons to testify:

Mr. Preston Mitchell
Unidentified Citizen

Mayor Pro Tem Woodson then affirmed the following person to testify:

Mr. Robert Boone

(b) Receive Testimony

Mr. Preston Mitchell, Senior Planner, pointed out that a copy of the Findings of Fact made by the Planning Board at its February 24, 2009 meeting was placed at Council's dais prior to the meeting. He stated that he has spoken with the City Attorney and Council may choose to accept all of the Findings of Fact made by the Planning Board or Council may make its own.

Mr. Mitchell indicated that this case is Z-24S-99 and regards an old S-District Ordinance rezoning adopted under the old zoning code in 1999. He stated that the Ordinance created the Lone Hickory subdivision located on Morlan Park Road. Mr. Mitchell reviewed the site and noted its location along the north side of Morlan Park Road, which extends between Faith Road and Jake Alexander Boulevard. He stated that the site is in the Morlan Park neighborhood with the Rowan Terrace neighborhood being located to the east.

Mr. Mitchell reviewed a map of the property and noted that the zoning for the property under the current Land Development Ordinance (LDO) is GR-6 General Residential, which he noted was basically single family residential. He then reviewed ground photographs of the site and surrounding properties and pointed out that construction has begun on the project. Mr. Mitchell displayed the site plan as presented to the Technical Review Committee (TRC) and Planning Board. He stated that the request is to change the setbacks from the 1999 Ordinance. He noted that this is not a request to rezone the property, even though this is being handled through the quasi-judicial process which was required under the old code. He reiterated that this is not a request to change the zoning or to amend the boundaries of the S-District, but to amend the 1999 Ordinance that set out the specific setbacks for several of the lots within the development. Mr. Mitchell stated that the 1999 Ordinance identified 21 lots that could be developed and he noted that there is no change in the number of lots with the new request. He stated that the old Ordinance also required a 15 foot landscape buffer along the entire perimeter of the subdivision and he noted there are no changes in the request regarding the landscape buffer.

Mr. Mitchell stated that some of the lots approved in the 1999 Ordinance had specific setbacks while others did not. He noted the lots that were approved for a front setback of 25 feet, a side setback of 5 feet and a rear setback of 15 feet. He pointed out three larger lots adjacent to Rowan Terrace and noted that they were approved for a 40 foot front setback, a 10 foot side setback, and a 25 foot rear setback. Mr. Mitchell stated that the developer is now requesting a front setback for all 21 lots of 10 feet, a side setback of 5 feet, and rear setback of 20 feet for a principle structure and 15 feet for an accessory structure. He reiterated that these setbacks will be for all 21 lots. Mr. Mitchell

reviewed a map depicting how the current setbacks look on the site plan and how they will look if the changes are approved.

Mr. Mitchell stated that the Planning Board made their Findings of Fact at its February 24, 2009 meeting and stated that the petition is consistent with the goals, objectives and policies of the Vision 2020 Plan and unanimously recommended approval to City Council.

(b) Mayor Pro Tem Woodson convened a public hearing, after due notice thereof, to receive comments on the request to amend Special Residential Development "B" Ordinance No. 1999-91 that established the Lone Hickory Village Subdivision.

Mr. Robert Boone stated that he is a resident of Salisbury, 1605 South Main Street, and noted that the area in question is at the end of Rowan Circle and backs up against his lot. He stated that his house sits approximately 180-200 feet from the property line. Mr. Boone stated that they have had privacy in this area but with Jake Alexander Boulevard coming through and now this development he feels the country setting is being lost. He stated that it was not long ago that a 50 foot lot in the City was too small and the City expanded front setbacks for new construction. He referred to a "stacked" development and noted that it is a development where a person could reach out of their window and shake hands with their neighbor. He stated that he does not have a major concern but he feels a 5 foot clearance between houses is too close. Mr. Boone referred to the old setback requirements and stated that among the other developments this developer has produced the developer has created what he considers to be rental housing. Mr. Boone stated that he would like to have a fence on the property line to separate the development from his property. He added that a six foot solid wood fence would take care of the landscaping issues.

There being no one else present to address Council, Mayor Pro Tem Woodson closed the public hearing.

Councilman Burgin stated that he thinks this is fairly simple for Council as the site plan was previously approved. He noted that the lot sizes will remain the same and this is just allowing the developer to move the buildings closer to the street which is more consistent with the setbacks of the new LDO. He stated that he thinks this is a reasonable request and he is in support of it.

Councilman Lewis agreed with Mr. Burgin and noted that there are rules in the new LDO to avoid streetscapes with differing setbacks because a similar streetscape is desired in the public realm. He stated that by making this change the developer is actually meeting some of the objectives of the new LDO and he supports the request.

Councilman Kennedy indicated he also supports the request.

(c) Findings of Fact

Mr. Burgin stated as a Finding of Fact that the development will not materially endanger the public health and safety and will not substantially injure the value of adjoining or abutting properties.

Mr. Mitchell then noted that Council may accept the Findings of Fact made by the Planning Board if it wished.

Mr. Burgin then accepted the Findings of Fact as stated at the Planning Board meeting of February 24, 2009.

(THE FINDINGS OF FACT FOR Z-24S-99 AS STATED IN THE FEBRUARY 24, 2009 PLANNING BOARD MEETING ARE HEREIN INCORPORATED AND MADE A PART OF THESE MINUTES.)

(d) Mr. Burgin stated that the City Council hereby finds and determines that adoption of an Ordinance amending a portion of a Special Residential Development “B” District Ordinance No. 1999-91 as described herein is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and that adoption of the Ordinance is reasonable and in the public interest. Thereupon, Mr. Burgin made a **motion** to adopt an Ordinance amending a portion of Special Residential Development “B” District Ordinance 1999-91, an Ordinance that permitted the development of the Lone Hickory Village Subdivision; identifying the development documents; providing an effective date; and for other purposes. Mr. Kennedy seconded the motion. Mr. Lewis commented that he did not want Mr. Boone to think Council did not hear his request. He stated that it is true that the City previously had 60’ lots and provisions that allowed developers to design their own subdivisions, but when larger lots are required it pushes the City limits farther out which creates sprawl. He stated that he is concerned with the impact that this creates on the environment and health. He noted that in England as soon as the city limits are crossed the land immediately changes from urban to farmland because they have very strict zoning requirements and do not have the sprawl that we have developed. Mr. Lewis stated that although Mr. Boone mentioned he would like to have a six foot fence, when the development was originally approved the landscape buffer was 15’ feet all the way around, and if Mr. Boone wants the fence he will have to construct it himself. Mr. Lewis stated he wants those watching the meeting to know that Council does not ignore the speakers, but the issues have already been identified and dealt with and this is an improvement upon the 1999 approval. Messrs. Burgin, Kennedy, Lewis and Mr. Woodson voted AYE. (4-0)

AN ORDINANCE AMENDING A PORTION OF SPECIAL RESIDENTIAL DEVELOPMENT “B” DISTRICT ORDINANCE 1999-91, AN ORDINANCE THAT PERMITTED THE DEVELOPMENT OF LONE HICKORY VILLAGE SUBDIVISION; IDENTIFYING THE DEVELOPMENT DOCUMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (PETITION NO. Z-24S-99)

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page Nos. 15-17, and is known as Ordinance 2009-14.)

ZONING MAP AMENDMENT CD-5-01-2009 – MATIKA VILLA MOBILE HOME PARK

(a) Mr. Preston Mitchell, Senior Planner, addressed Council regarding zoning map amendment CD-5-01-2009 Matika Village Mobile Home Park. He reviewed a map of the site and noted its location on Airport Road and Gaskey Road. Mr. Mitchell stated that this is a request for a rezoning that also requires a Conditional District Overlay because the base zoning request is Manufactured Home Development (MHD). He noted that MHD allows six units per acre and Matika Villa has 2.3 per acre, well below the density standard. He stated that when the Land Development Ordinance (LDO) was adopted this property converted to Urban Residential 12 (UR12), which made the property legal non-conforming. He noted that the property owner is now seeking to have the property rezoned from UR12 to Manufactured Home Development (MHD), in order to bring the property into conformance. He reviewed aerial photographs of the site and reviewed the MHD District:

- MHD Permitted Uses
 - Single Family/Multi-Family Residential (Frame/Manufactured)
 - Cultural/Community Facility
 - Meeting Facility
 - Outdoor Recreation
 - Cemetery
 - School/Church
 - Public Safety Station
 - Specific Utilities & Transportation
- Mobile Home Park permitted under following circumstances:
 - MHD base district zoning
 - Conditional District Overlay placed on property to trigger inclusion of Master/Site Plan review
 - Mobile Home Park Standards

Mr. Mitchell reviewed the Conditional District Overlay:

- Section 2.6/15.21
- Petitioner
- Content of Petition
 - Rezoning Petition
 - Master Plan
- Fair and Reasonable Conditions
- Revisions and Amendments
- Rescission

He indicated that the master plan for the site shows no new development, additional units, or physical changes to any existing structures. He stated that changes to any existing structures must meet all Land Development Ordinance (LDO) provisions. He reviewed ground photographs of the area and noted that the Planning Board unanimously recommended approval of the request.

(b) Mayor Pro Tem Woodson convened a public hearing, after due notice thereof, to receive comments on the proposed zoning map amendment CD-5-01-2009.

Mr. Tim Smith, owner Matika Villa Mobile Home Park, asked Council to approve the rezoning to bring the property into the correct zoning.

There being no one else to speak, Mayor Pro Tem Woodson closed the public hearing.

Councilman Lewis stated that during the LDO mapping process the LDO Committee wanted to maintain direct conversion of particular zoning classifications. He indicated that the Committee realized particular properties were more appropriate to convert to a different zoning classification, but felt rezoning the entire City was not fair to the public. He stated that it was recognized that situations like this would occur and it would be incumbent upon the property owner to come forward and seek rezoning on their own.

(c) Councilman Lewis stated that the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein to establish a Conditional District Overlay is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and that adoption of the Ordinance is reasonable and in the public interest. Thereupon, Mr. Lewis made a **motion** to adopt an Ordinance amending the Land Development Ordinance and the Land Development District Map of the City of Salisbury, North Carolina, by rezoning approximately 39 acres, identified as tax map and parcels 469-025, 469-059, 469-060, and 469-045000001, from Urban Residential-12 (UR12) District to Manufactured Home Development (MHD-Park) District and to establish a Conditional District Overlay; identifying the development documents; providing an effective date; and for other purposes. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 39 ACRES, IDENTIFIED AS TAX MAP AND PARCELS 469-025, 469-059, 469-060, AND 469-045000001, FROM URBAN RESIDENTIAL-12 (UR12) DISTRICT TO MANUFACTURED HOME DEVELOPMENT (MHD-PARK) DISTRICT AND TO ESTABLISH A CONDITIONAL DISTRICT OVERLAY; IDENTIFYING THE DEVELOPMENT DOCUMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page Nos. 18-21, and is known as Ordinance 2009-15.)

LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT – LDOTA-01-2009

(a) Mr. Preston Mitchell, Senior Planner, addressed Council regarding electronic changeable signs for colleges in the Institutional Campus (IC) District. He indicated that this issue came before Council in 2001 as a request to allow electronic signs on pole signs. He noted that at that time Council created a committee and drafted proposed language to amend the zoning ordinance. He stated that during the review process the Community Appearance Commission (CAC) was asked to review the language and it recommended not approving the request at that time. He noted that the petitioner withdrew the request prior to Council review.

Mr. Mitchell stated that in 2007 the colleges in Salisbury requested a similar electronic sign amendment. He noted that the Planning Board spent a year discussing the amendment but was unable to determine specific language and decided to wait for the results of a Federal Highway Safety Study being conducted regarding this type of signage. He noted that the Planning Board tabled this item until the results of the study became available. He stated that the CAC was still unsure of pursuing the amendment and did not support it.

Mr. Mitchell pointed out that in 2008 Council created a new committee to review the electronic sign request. The committee developed new language regarding electronic signs to limit the signs to colleges and universities in the IC District. He noted that in February 2009, the Planning Board recommended denial of the request by a vote of 5-4 because several members expressed a desire to wait for the Federal Highway Safety Study results to be released. He indicated that the CAC reversed its prior position and voted to support the amendment.

Mr. Mitchell reviewed the proposed language for the electronic signage:

- Electronic Signs for Colleges in IC District
 - The use of electronic signs for colleges/universities in the IC district shall be limited to ground signs, as sized above (B.1.b), and is prohibited for wall or any other signs
 - A maximum of one electronic ground sign is permitted for college/university campus
 - A maximum of 50% of the overall ground sign may contain the electronic display
 - The height of the electronic portion shall not exceed 70% of the permitted height of overall ground sign

- The electronic display on the sign shall only:
 - Contain text that does not shimmer, flicker, intensify, move in any direction
 - Illuminate in white or amber letters on a black field
- Any electronic text display shall remain fixed for a minimum of five minutes

(b) Mayor Pro Tem Woodson convened a public hearing, after due notice thereof, to receive comments on the proposed Land Development Ordinance text amendment LDOTA-01-2009.

Mr. Phil Kirk, Catawba College, asked Council to approve changes to permit the installation of electronic signs for a limited number of locations on campus. He indicated that this has been an issue for Catawba College for 10 years. He noted that the College has a donor waiting to contribute funds for the sign and that Catawba wants to promote events and activities to the community. He pointed out that the sign to be used by Catawba will maintain the beauty of Salisbury.

Mr. State Alexander, Livingstone College, stated that Livingstone College is in support of change and will comply with all standards. He asked for Council's support of this amendment.

There being no one else to speak, Mayor Pro Tem Woodson closed the public hearing.

Councilman Burgin stated that he appreciates the number of citizens who are concerned with the sign Ordinance. He indicated that this is an opportunity to promote the events at the colleges and pointed out that this change is more practical than having someone manually change the signs. He stated that he feels the request is reasonable and does not fall within the Federal Highway Safety Study scope since the text can only change every five minutes.

Councilman Lewis commented that this change is for higher learning centers that have multiple events oriented toward the community and who want to be efficient in the manner that they communicate. He noted that he supports the change, but does not want to have requests regarding electronic signs in other jurisdictions.

Councilman Kennedy stated that several years ago he served on the original electronic sign committee and visited other cities to view what was being used. He noted that at that time, electronic signs were not something wanted in the City, but this proposal is different and is limited to the college campuses and he can support the change.

(c) Councilman Kennedy stated that the City Council hereby finds and determines that adoption of an Ordinance to amend the Land Development Ordinance of the City of Salisbury as underlined or stricken herein is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and that adoption of the Ordinance is

reasonable and in the public interest. Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending Section 12.6.D (Permitted Signage by District: Institutional Campus Districts), Section 12.9.I (Special Sign Provisions: Directional Signs), and Section 12.10 (Sign Illumination and Lighting) of the Land Development Ordinance of the City of Salisbury, North Carolina. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

AN ORDINANCE AMENDING SECTION 12.6D (PERMITTED SIGNAGE BY DISTRICT: INSTITUTIONAL CAMPUS DISTRICTS), SECTION 12.9.I (SPECIAL SIGN PROVISIONS: DIRECTIONAL SIGNS), AND SECTION 12.10 (SIGN ILLUMINATION AND LIGHTING) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page Nos. 22-24, and is known as Ordinance 2009-16.)

LAND DEVELOPMENT ORDINANCE TEXT AMENDMENTS – LDOTA-02-2009, LDOTA-03-2009, LDOTA-04-2009, LDOTA-5-2009

(a) Mr. Preston Mitchell, Senior Planner, addressed Council regarding the following Land Ordinance text amendments:

- LDOTA-03-2009: Flood Damage Prevention Ordinance, Appendix C
- LDOTA-02-2009: Revisions and Amendments to Conditional District Overlay
- LDOTA-05-2009: Lot Depth for nonconforming House building types in the DMX District
- LDOTA-04-2009: Historic Preservation Guidelines and Notifications for a Certificate of Appropriateness (COA)

LDOTA-03-2009

Mr. Mitchell asked Mr. Patrick Ritchie, Staff Engineer, to address Council regarding the Flood Damage Prevention Ordinance. Mr. Ritchie stated that the Flood Damage Prevention Ordinance was included in the Land Development Ordinance but the State did not allow the use of new Flood Plain maps at that time and an effective date for the maps could not be included. He indicated that the State has now set June 16, 2009 as the official date for the maps and the amendment will insert the date into the LDO. He pointed out that staff also identified several small clerical changes in the Ordinance that can be clarified with the amendment. He indicated that these changes were reviewed by the Technical Review Committee and the Planning Board and both have recommended approval.

Council Burgin asked if there are many flood plain areas in Salisbury. Mr. Ritchie indicated that there are a fair amount of flood plain areas identified on the old

Flood Plain maps and that the new maps do not identify many new areas. He noted that the largest new area to be identified on the new maps is Jump and Run Branch, which goes through the Crescent neighborhood and into the Westcliffe area.

(b) Mayor Pro Tem Woodson convened a public hearing, after due notice thereof, to receive comments on the proposed Land Development Ordinance text amendment LDOTA-03-2009.

There being no one to speak, Mayor Pro Tem Woodson closed the public hearing.

(c) Councilman Lewis stated that the City Council hereby finds and determines that adoption of an Ordinance to amend the Land Development Ordinance of the City of Salisbury as underlined or stricken herein is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan that adoption of the Ordinance is reasonable and in the public interest. Thereupon Mr. Lewis made a **motion** to adopt an Ordinance amending Appendix C (Flood Damage Prevention Ordinance) of the Land Development Ordinance of the City of Salisbury, North Carolina. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

AN ORDINANCE AMENDING APPENDIX C (FLOOD DAMAGE PREVENTION ORDINANCE) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page Nos. 25-48, and is known as Ordinance 2009-17.)

LDOTA-02-2009

Mr. Mitchell indicated that this amendment is a change to Chapter 15 of the Land Development Ordinance regarding revisions and amendments to Conditional Districts. He stated that the change will specify the difference between an amendment and a revision. He explained that an amendment is a major change to a Conditional District master plan that changes its intent or boundaries and noted that these amendments will come back to City Council for approval. Mr. Mitchell stated that a revision is a minor change that does not change the intent and the approval process stops at the Planning Board.

LDOTA-05-2009

Mr. Mitchell stated that this request is for lot depth requirements for non-conforming house building types in the Downtown Mixed Use (DMX) District which is the downtown area. He noted that all other building types permitted in the downtown area do not have minimum lot depth requirements. He stated that although there are only a few house types in the downtown area, if they should choose to redevelop staff believes they should fall under the same rules as all other building types in the DMX District. He explained that the reason there is a minimal lot depth requirement in residential districts

is to ensure a private area for the homeowner in the rear of the lot. Mr. Mitchell added that staff believes this is not as important in the downtown area because of its intended intensity and density.

LDOTA-04-2009

Mr. Mitchell stated that this is a request to amend the Historic District Guidelines and asked Ms. Janet Gapen, Senior Planner, to define those changes. Ms. Gapen explained that the changes will cover the development process and will add five elements to the type of work that will not be required to have a Certificate of Appropriateness (COA) from the Historic Preservation Commission (HPC). She indicated that four of the elements are generally given blanket approval by the HPC and staff wants to include them into the Ordinance to make them a permanent part of the record. She pointed out that the changes include the addition of the City's street lights according to the standard street lighting policy, the addition of benches and trash receptacles in the downtown, the addition of decorative pedestrian-scale street lights in the downtown, the addition of brick sidewalks downtown, and the installation of art or sculpture on a temporary basis for no longer than 12 months. She stated that staff also proposes to add specific notification requirements for COAs regarding changes in the Historic District and that the changes are consistent with the notification process currently being used.

Mr. Mitchell stated that all amendments were recommended for approval unanimously by the Salisbury Planning Board.

(b) Mayor Pro Tem Woodson convened a public hearing, after due notice thereof, to receive comments on the proposed Land Development Ordinance text amendment LDOTA-03-2009, LDOTA-02-2009, LDOTA-05-2009, and LDOTA-04-2009.

There being no one to speak, Mayor Pro Tem Woodson closed the public hearing.

Councilman Burgin referred to LDOTA-02-2009 and asked Mr. Mitchell if the Planning Board will review all amendments to decide if a revision is "significant" in order to refer it to Council for approval. He asked if this means that the Planning Board will now have to review everything, even if it is administrative. Mr. Burgin indicated that the Land Development Ordinance was enacted to streamline the approval process and this seems to create a clause that everything must be reviewed again. He asked how the Planning Board will have the opportunity to consider whether a revision is significant if it does not see it. Mr. Mitchell stated that the Planning Board will only consider adoptions, revisions, and amendments. He added that the Planning Board is the board that will see all three types, while Council will only see two of the three. He added that the Planning Board has approval authority of revisions and if one should come forward that is questionable regarding a change in intent, the Planning Board then has the ability to refer the revision to Council as a full amendment.

Mr. Burgin referred to LDOTA-04-2009 regarding COAs for art and noted that he thinks 12 months is a long time before holding a review because art is very broad and

subjective. Ms. Gapen stated that the HPC has proposed specific guidelines for the installation of art on a permanent basis that will be presented later in the meeting. She pointed out that the HPC felt the design review of art is not something it wanted to pursue because art is protected by the Constitution as an avenue of free speech. She stated that the guidelines propose consideration of the scale of the art and the manner of installation so that it does not damage or harm historic resources. She stated that the primary reason the change was proposed was to accommodate temporary installations. Mr. Burgin commented that he still questions the amount of time before the review is conducted. He stated that he believes 12 months is too long and that he would prefer a six month review.

Councilman Lewis indicated that this amendment coincides with the upcoming sculpture show and noted that those sculptures will be displayed for 9 months. He noted that all of the entries in the sculpture show were reviewed by the Public Art Committee using established guidelines. He asked if the issue is outdoor art pieces that do not fall under the Public Art Committee review. Ms. Gapen stated that all art would be considered the same and the changes do not specify the Public Art Committee works. Mr. Lewis noted that anything established in the public realm will come under the Public Art Committee and asked how art in the private realm will be reviewed. He commented that art is interpreted differently by each individual and questioned how it should be reviewed. Mr. Burgin commented that if a time limit is in place it is there for a purpose and suggested that a six month period might be better. Mr. Lewis suggested a six month review period with a six month renewal option.

Mayor Pro Tem Woodson asked Ms. Lynn Raker, Urban Designer, to speak to the matter. Ms. Raker indicated that the art selection committee includes a member of the HPC and the art is reviewed by those who are familiar with the HPC guidelines. Mr. Burgin asked if this amendment applies to private property. Ms. Gapen responded that the amendment applies to all areas unless Council would like to suggest an amendment to make the change more narrow, but as written the policy applies to both public and private property. Mr. Lewis suggested that if the installation is in the public realm it could have a 12 month time period, but in the private realm it would have to be reviewed by the HPC. Mr. Burgin stated that by going through a review the art could better reflect the community. He commented that he would prefer to change the amendment to refer to art displayed in the public realm for 12 months and incorporate a shorter period of time for displays in the private realm. Ms. Gapen noted that the sculpture show will include art on both public and private property.

Mr. Lewis indicated that this issue is not specific to the art show, but for the unintended consequences of establishing an Ordinance with no community review. He suggested having a six month review with a six month renewal option. Mr. Burgin concurred with Mr. Lewis' suggestion. Ms. Raker noted that the sculpture show could have a six month review and then request a six month renewal and asked who would review the renewal request. Mr. Burgin suggested the HPC review the requests since it falls under a Certificate of Appropriateness, even if it viewed as a minor work. Mr. Lewis indicated he would prefer the Public Art Committee conduct the reviews. Mr. Burgin agreed with Mr. Lewis' suggestion.

Council discussed the need for a change in the language of the ordinance. City Manager David Treme suggested a six month display period with a six month renewal period, with the recommended renewal group being the Public Art Committee. By consensus, Council agreed.

(c) Councilman Lewis stated the City Council hereby finds and determines that adoption of an Ordinance to amend the Land Development Ordinance of the City of Salisbury as underlined or stricken herein is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and that adoption of the Ordinance is reasonable and in the public interest. Thereupon, Mr. Lewis made a **motion** to adopt an Ordinance amending Section 5.16 (Dimensional Standards by Zoning District for Residential Building Types), Section 15.3 (Public Notification for Public Hearings), and Section 15.21 (Conditional Districts) of the Land Development Ordinance of the City of Salisbury, North Carolina. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

Thereupon, Mr. Burgin made a **motion** to amend the proposal for LDOTA-04-2009, Section 15.7.D Certificate of Appropriateness Not Required, item 14 to read temporary art or sculpture where free-standing displays will be limited for a period of no more than six months, where all supporting surface material including concrete, asphalt, brick paving, sod, and other materials will be returned to their original appearance at the end of the display period, and that after the period of six months a renewal of six months be allowed, pending the approval of the Public Art Committee. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

Mr. Burgin stated that the City Council hereby finds and determines that adoption of an Ordinance to amend the Land Development Ordinance of the City of Salisbury as underlined or stricken herein is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and that adoption of the Ordinance is reasonable and in the public interest. Thereupon, Mr. Burgin made a **motion** to adopt an Ordinance amending Section 15.7.D Certificate of Appropriateness Not Required as presented and amended for the Land Development Ordinance for the City of Salisbury, North Carolina. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

AN ORDINANCE AMENDING SECTION 5.16 (DIMENSIONAL STANDARDS BY ZONING DISTRICT FOR RESIDENTIAL BUILDING TYPES), SECTION 15.3 (PUBLIC NOTIFICATION FOR PUBLIC HEARINGS), SECTION 15.7D (CERTIFICATE OF APPROPRIATENESS NOT REQUIRED), AND SECTION 15.21 (CONDITIONAL DISTRICTS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page Nos. 49-52, and is known as Ordinance 2009-18.)

AIRPORT AREA URBAN PROGRESS ZONE 2009-2010

(a) Ms. Kathryn Clifton, GIS Coordinator, addressed Council regarding an Airport Urban Progress Zone. She defined an Urban Progress Zone and how it is determined:

Urban Progress Zone

- Article 3J
- Replaces Lee Act
- Municipalities with a population of at least 10,000 have the ability to define qualifying areas of poverty as Urban Progress Zone

Determining the Zone

- All land within the zone must be located in whole within the primary corporate limits
- Zone delineated by census tracts or block groups (all or in portion within corporate limits):
 - More than 20% population below poverty level
 - Or, adjacent to a census tract or block group of which at least 20% population below poverty level and 50% zoned non-residential
- Area zoned as non-residential does not exceed 35% of the total area of the zone

Ms. Clifton reviewed the types of eligible businesses:

- Aircraft maintenance and repair
- Air courier services hub
- Company headquarters (that creates 75 new headquarter jobs)
- Customer service call center
- Electronic shopping and mail order houses
- Information technology and services
- Manufacturing
- Motorsports facility
- Motorsports racing team
- Research & Development
- Warehousing
- Wholesale trade

Ms. Clifton then reviewed the definition of “Non-Residential”

- “Non-Residential” is not defined in the legislation or in the guidelines for defining an Urban Progress Zone
- “Non-Residential” describes Zoning areas in which residential development is expressly prohibited

Ms. Clifton reviewed the maps of the Airport/Industrial/Jake Alexander Boulevard area Urban Progress Zone and indicated that there is a total area of 2.34 miles in the proposed zone. She also reviewed the zone limitations:

- Zone can only exist inside the primary corporate limits
- Zone may not exceed 15% of the total area of the municipality
- Area zoned as non-residential does not exceed 35% of the total area of the zone.

Ms. Clifton stated that if this area is approved it will bring the total area for all Urban Progress Zones to 3.2 square miles, which is 14.5% of the municipal limits. Councilman Lewis asked if this area is comprised of only property within the City limits. Ms. Clifton confirmed that this was correct.

(b) Mayor Pro Tem Woodson opened the floor to receive public comment session.

There being no one to speak, Mayor Pro Tem Woodson closed the public comment session.

(c) Thereupon, Mr. Kennedy made a **motion** to adopt a Resolution endorsing the application to define an Urban Progress Zone. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

RESOLUTION ENDORSING THE APPLICATION TO DEFINE AN URBAN PROGRESS ZONE.

(The above Resolution is recorded in full in Resolution Book No. 13 at Page No. 11-14, and is known as Resolution 2009-07.)

FIRST READING – FY 2009-2010 BUDGET FOR CDBG AND HOME FUNDS

Ms. Janet Gapen, Senior Planner, addressed Council regarding the first reading of the FY2009-2010 budget for the Community Development Block Grant (CDBG) and HOME funds. She noted that staff has not received final figures for the CDBG funds and was advised by the United States Housing and Urban Development (HUD) office to use last year's figures for planning purposes. Ms. Gapen reviewed the grant program, available funding, and draft budget:

- National Objections
 - Benefit low and moderate income persons
 - Aid in the prevention of slums and blight
- Available Funding
 - Community Development Block Grant (CDBG) -
Estimate based on FY2008-09 funding \$305,021

○ HOME	\$104,593
○ Program Income	<u>\$ 70,000</u>
Total	\$479,614

Estimate based on FY2008-2009 funding.

CDBG Program Draft Budget FY2009-2010

● Project Activities	
○ Acquisition/Rehabilitation/Resale	\$116,422.20
○ Owner-Occupied Rehabilitation	\$ 50,000.00
○ Emergency Rehabilitation	\$ 15,000.00
○ Sidewalk Construction	<u>\$ 11,000.00</u>
Total	\$192,422.20
● Public Services	
○ Rowan Helping Ministries	\$ 22,500.00
○ Family Crisis Council	\$ 14,000.00
○ Community Care Clinic	\$ 10,000.00
○ Salisbury Youth Employment	\$ 6,500.00
○ West End Youth Garden	<u>\$ 1,500.00</u>
Total	\$ 54,500.00
● Park Administration	\$ 75,000.00
● Debt Services – Park Avenue Center	<u>\$ 53,098.80</u>
Total CDBG Funds	\$375,021.00

HOME Program Draft Budget FY2009-2010

● Project Activities	
○ New Construction	\$ 88,673.00
○ Homeowner Assistance	<u>\$ 10,000.00</u>
Total	\$ 98,673.00
● Program Administration	\$ 5,920.00
Total HOME Funds	\$104,593.00
Total CDBG and HOME Funds	\$479,614.00

Ms. Gapen reviewed the Citizen Participation Plan:

February 3, 2009	Public Meeting – West End Community Center
February 10, 2009	Public Meeting – Park Avenue Community Center
March 3, 2009	Public Hearing – City Council
March 17, 2009	First Reading of Budget – City Council
April 7, 2009	Second Reading of Budget – City Council
April 12, 2009	Action Plan available for public review
May 12, 2009	Submit plan to HUD

Councilman Kennedy stated that during a recent meeting in Washington, DC he learned there would be additional funding for CDBG programs and asked if an additional public hearing would be needed if the funds are received. Ms. Gapen stated that she understands that an additional \$82,000 to \$83,000 may be received and that there will be a separate public hearing and budget process for those funds.

Thereupon, Mr. Kennedy made a **motion** to approve the first reading of the 2009-2010 budgets for CDBG and HOME program funds. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

STATE LOAN ASSISTANCE REQUEST – AMERICAN REINVESTMENT AND RECOVERY ACT OF 2009

Mr. Jim Behmer, Utilities Director, and Mr. Jeff Jones, Utilities Planning and Research Manager, addressed Council regarding a request for State loan assistance through the American Reinvestment and Recovery Act of 2009 for the following projects: raw water surge valve replacement; Westwood subdivision fire protection; and Meadowbrook neighborhood water main replacement.

Mr. Jones stated that for water and sewer infrastructure in North Carolina these funds are being routed through the Division of Water Quality and Public Water Supply and its loan program. He indicated that local governments are required to apply for loan assistance and the assistance is anticipated to be in the form of principal forgiveness or loans with low or no interest. He stated that staff submitted 11 projects in its initial letter of intent but based on the criteria for project consideration, staff then identified the three projects that met the criteria.

Thereupon, Mr. Burgin made a **motion** to adopt a Resolution to request State loan assistance for raw water surge valve replacement. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

RESOLUTION TO REQUEST STATE LOAN ASSISTANCE FOR RAW WATER SURGE VALVE REPLACEMENT

(The above Resolution is recorded in full in Resolution Book No. 13 at Page Nos. 15-16, and is known as Resolution 2009-.08)

Thereupon, Mr. Burgin made a **motion** to adopt a Resolution to request State loan assistance for Westwood Subdivision Fire Protection. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

RESOLUTION TO REQUEST STATE LOAN ASSISTANCE FOR WESTWOOD SUBDIVISION FIRE PROTECTION

(The above Resolution is recorded in full in Resolution Book No. 13 at Page Nos. 17-18, and is known as Resolution 2009-09.)

Thereupon, Mr. Burgin made a **motion** to adopt a Resolution to request State loan assistance for Meadowbrook neighborhood water main replacement. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

RESOLUTION TO REQUEST STATE LOAN ASSISTANCE FOR MEADOWBROOK NEIGHBORHOOD WATER MAIN REPLACEMENT

(The above Resolution is recorded in full in Resolution Book No. 13 at Page Nos. 19-20, and is known as Resolution 2009-10.)

Mr. Jones indicated that if the City is approved to receive the funds and does not agree with the terms established for the loans, the City is not obligated to accept the funds.

City Manager David Treme asked Mr. Behmer to share with Council the amount of funds available for water and sewer infrastructure. Mr. Behmer indicated that approximately \$65 million is available for water infrastructure and approximately \$70 million is available for sewer infrastructure for the State. He noted that there are \$2.2 billion of requests for these funds statewide.

AUDIT SERVICES AGREEMENT – MARTIN STARNES & ASSOCIATES

Mr. Wade Furches, Finance Manager, addressed Council regarding an agreement with Martin Starnes & Associates for auditing services. He stated that the United States Government Finance Officers Association recommends that governments periodically request proposals from qualified audit firms to provide audit services for each fiscal year. He indicated that the Management Services Department submitted requests for proposals to qualified audit firms in our area and that staff received seven responses. He stated that staff has reviewed all proposals and recommends Martin, Starnes & Associates. He noted that Martin, Starnes & Associates meets the City's needs, currently serve as the City's auditors, and are considered a leader in auditing. He indicated that the FY2009 proposal is \$30,000 which is lower than other top firms. He stated that the total four year

agreement will be approximately \$129,500, which is also lower than the other firms. He requested Council designate Martin, Starnes & Associates as the City's auditors for the Fiscal Year ending 2009 through Fiscal Year ending 2012. He also requested that Council approve an audit contract in the amount of \$30,000 for the current Fiscal Year.

Councilman Kennedy asked if there was any regulation regarding the length of time a local government can use the same firm for its audits. Mr. Furches stated that according to Mr. Greg Allison from the North Carolina School of Government there is no regulation regarding the use of the same auditing firm.

Thereupon, Mr. Lewis made a **motion** to approve a four year agreement with Martin, Starnes & Associates for auditing services beginning with the Fiscal Year ending June 30, 2009. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

Thereupon, Mr. Lewis made a **motion** to award a contract in the amount of \$30,000 to Martin, Starnes & Associates for auditing services for Fiscal Year 2009. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

AWARD CONTRACT– SCHINDLER ELEVATOR CORPORATION

Mr. Dewey Peck, Purchasing Manager, addressed Council regarding elevator renovations at the City Office Building. He gave a history of the construction of the building and its elevator renovations. He indicated that the last renovations to the elevator were in 1955 and noted that Schindler Elevator Corporation is the only company authorized to repair Schindler elevators. He indicated that the North Carolina General Statutes allow awarding a contract to a sole source, based on a sole source vendor. He recommended Council adopt a Resolution awarding a contract to Schindler Elevator in the amount of \$135,906.

Mr. Burgin stated that this is a great deal of money and asked what the renovations entail. Mr. Peck indicated that staff compared the cost of a new elevator versus the renovations and the cost of a new elevator would be in excess of \$275,000. He indicated that the renovation would include motors, electronics, cables, and brakes being replaced. Mr. Burgin commented that he feels a new elevator could be installed for \$90,000 and indicated he would like more information before taking action.

Thereupon, Mr. Burgin made a **motion** to table this item to the next meeting. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson, voted AYE. (4-0)

AWARD CONTRACT – ROOFING SERVICE

Mr. Dewey Peck, Purchasing Director, addressed Council regarding reroofing various buildings throughout the City. Mr. Peck stated that Nelson Hall & Associates are the City's roofing consultants who inspect the City's roofs annually. He indicated that the annual inspection indicated that three roofs are in need of repair. He stated that staff received eight bids and Roofing Services came in as the low bidder. He recommended Council award a contract the amount of \$128,800 to Roofing Service to reroof buildings located at 231 West Franklin Street, 303 West Franklin Street, and 315 South Martin Luther King Avenue in.

Councilman Kennedy asked Mr. Peck about the type of materials to be used for the roofs. Mr. Peck responded that each roof will be a built-up style roof.

Thereupon, Mr. Kennedy made a **motion** to award a contract in the amount of \$128,800 to Roofing Service to reroof buildings located at 231 West Franklin Street, 303 West Franklin Street, and 315 South Martin Luther King Avenue. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson, voted AYE. (4-0)

HISTORIC PRESERVATION DESIGN GUIDELINE CHANGES

Ms. Janet Gapen, Senior Planner addressed Council regarding changes to the Historic District design guidelines used by the Historic Preservation Commission for the review of specific changes in the Historic District. She reviewed amendments to the guidelines:

- Guidelines for Art
 - Content – Neutral
 - Limit Review to scale, durability, manner of installation
- Additional Item – Minor Works by Committee
 - Allow slight modifications to approved work
 - Unanticipated field conditions
 - Design, scale, massing and overall appearance of project unaffected
- Updates to Guideline for Demolition
 - Incorporate new authority granted by House Bill in 2007
- Minor revisions to Application for Certificate of Appropriateness

Ms. Gapen indicated that regarding the review of art, the Historic Preservation Commission will use as a back-up, the standards established by the Secretary of Interior. She noted that these standards consist of 10 general overarching principles for the review of compatibility in Historic Districts. She indicated that the Secretary of Interior standards are part of the Design Guidelines and the Historic Preservation Commission

will refer to them when there is no specific guideline to follow to ensure the art is not in conflict with those standards.

Thereupon, Mr. Burgin made a **motion** to adopt changes to the Historic Preservation Design Guidelines as presented. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson, voted AYE. (4-0)

REPORT – CONGESTION MITIGATION AND AIR QUALITY (CMAQ)

Mr. Dan Mikkelson, Engineering Director, addressed Council regarding Congestion Mitigation and Air Quality (CMAQ) funds. Mr. Mikkelson stated that Council previously authorized staff to apply for Fast Track funding through CMAQ. He noted that he has received a report indicating that four of the five projects submitted have been approved and will receive total funding. Mr. Mikkelson stated that in order to qualify for the fast track funding, other CMAQ projects were deferred.

Mr. Mikkelson noted that there is a second round of CMAQ funding that will be funded for the years 2013-2017 with a filing deadline of April 3, 2009. He indicated that the North Carolina Department of Transportation (NCDOT) has added a new standard requiring projects have a minimum cost of \$100,000. He also noted that the City will have to provide a 20% local match. He stated that staff recommends resubmitting those projects deferred from the Fast Track Application. He pointed out that bus expansion qualifies as a CMAQ project and if funds are received they could be used to expand bus routes for a three year period, during which time CMAQ will pay 80% of operating expenses.

Councilman Kennedy asked if the bus expansion will be in the Salisbury Mall area. Mr. Mikkelson indicated that the Transit System is in the process of updating its five year Transportation Plan and noted that the entire service area will be reviewed. He commented that staff believes the Plan will find an expansion is needed and this will most likely be in the form of a fourth route. He added that the expanded route will include the area identified by Council as a need, along with other areas identified in the Plan. City Manager David Treme stated that if a new route is approved, other routes could be rearranged to serve as many citizens as possible.

By consensus, Council agreed for staff to proceed.

REPORT – CITY PARK TENNIS COURTS

Mr. Stephen Brown, Parks Maintenance Manager, and Ms. Elaney Hasselman, Marketing and Community Relations Manager, gave Council an update regarding the City Park tennis courts. Mr. Brown stated that staff is putting the finishing touches on the tennis courts for the reopening to be held March 21, 2009. Ms. Hasselman noted that it has been more than 30 years since new tennis courts were installed at City Park. Mr.

Brown noted that the courts are United States Tennis Association (USTA) width and the park will be able to host tournaments it could not accommodate before. Ms. Hasselman then showed a video depicting pictures of the progress of the tennis court replacement and demonstrating a new key card system being instituted for the tennis courts. She pointed out that citizens can obtain a key card by filling out a registration form at City Park Recreation Center located at 316 Lake Drive.

Councilman Kennedy asked if the tennis courts would need to be reserved or if they will be available on a first come first served basis. Ms. Hasselman stated that courts will be available on a first come first served basis. She noted that staff will begin registering residents for the key cards at the end of the week.

ESTABLISHMENT OF TRANSPORTATION ADVISORY BOARD

Mr. Doug Paris, Assistant to the City Manager and Mr. Rodney Harrison, Transit Division Manager, addressed Council regarding the establishment of a Transportation Advisory Board (TAB). Mr. Paris reviewed the TAB process:

Background

- March 3, 2009:
 - Council adopted Resolution

- March 17, 2009:
 - Council to review and consider Ordinance

- April 7, 2009:
 - Council to consider TAB appointments

- May-June, 2009
 - First TAB meeting

Tab Ordinance

- Committee Focus
 - The Board shall consult with, advise, and make recommendations to the director of the division in matters affecting service design, service scheduling, service fares, unmet needs in the service area, marketing, and performance measures
- 9-11 members
- Representative of service area
- Representative of certain agencies
- Appointed by City Council
- City Council liaison ex officio member
- Quarterly meetings
- Three year terms, staggered 1/3
- Quorum required for action

- Transit Manager staff liaison
- Standing Committees

Mr. Paris recommended Council adopt the Ordinance establishing a Transportation Advisory Board.

Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending the Code of the City of Salisbury, North Carolina by amending Chapter 2, Article I, Section 2-1 and Appendix D Boards, Committees, Commissions, etc. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SALISBURY, NORTH CAROLINA BY AMENDING CHAPTER 2, ARTICLE I, SECTION 2-1 AND APPENDIX D BOARDS, COMMITTEES, COMMISSIONS, ETC.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page Nos. 53-55, and is known as Ordinance 2009-19.)

BOARDS AND COMMISSIONS

Community Appearance Commission

Upon a **motion** by Mr. Kennedy, seconded by Mr. Burgin, and with Messrs. Burgin, Kennedy, Lewis and Woodson voting AYE, the following reappointments were made to the Community Appearance Commission:

Ms. Diane Gibbs	Term expires 3-31-12
Ms. Suzanne Casey	Term expires 3-31-12
Mr. Tom Wolpert	Term expires 3-31-12

Upon a **motion** by Mr. Kennedy, seconded by Mr. Burgin, and with Messrs. Burgin, Kennedy, Lewis and Woodson voting AYE, the following appointment was made to the Community Appearance Commission:

Ms. Susan McHugh	Term expires 3-31-12
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Greenway Committee

Upon a **motion** by Mr. Lewis, seconded by Mr. Woodson, and with Messrs. Burgin, Kennedy, Lewis and Woodson voting AYE, the following reappointments were made to the Greenway Committee:

Mr. Darrell Blackwelder	Term expires 3-31-12
Mr. Richard Franklin	Term expires 3-31-12
Ms. Lisa Wear	Term expires 3-31-12

Historic Preservation Commission

Upon a **motion** by Mr. Lewis, seconded by Mr. Woodson, and with Messrs. Burgin, Kennedy, Lewis and Woodson voting AYE, the following reappointments were made to the Historic Preservation Commission:

Mr. Andrew Pitner	Term expires 3-31-12
Mr. Jack Errante	Term expires 3-31-12

Upon a **motion** by Mr. Lewis, seconded by Mr. Woodson, and with Messrs. Burgin, Kennedy, Lewis and Woodson voting AYE, the following appointment was made to the Historic Preservation Commission:

Ms. Emily Perry	Term expires 3-31-12
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Human Relations Council

Upon a **motion** by Mr. Lewis, seconded by Mr. Kennedy, and with Messrs. Burgin, Kennedy, Lewis and Woodson voting AYE, the following reappointments were made to the Human Relations Council:

Mr. Michael Clawson	Term expires 3-31-12
Ms. Joann Diggs	Term expires 3-31-12

Hurley Park Advisory Board

Upon a **motion** by Mr. Lewis, seconded by Mr. Burgin, and with Messrs. Burgin, Kennedy, Lewis and Woodson voting AYE, the following reappointment was made to the Hurley Park Advisory Board:

Ms. Beth Woodson	Term expires 3-31-12
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Parks and Recreation Advisory Board

Upon a **motion** by Mr. Lewis, seconded by Mr. Burgin, and with Messrs. Burgin, Kennedy, Lewis and Woodson voting AYE, the following reappointment was made to the Parks and Recreation Advisory Board:

Mr. Reid Leonard	Term expires 3-31-12
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Upon a **motion** by Mr. Lewis, seconded by Mr. Burgin, and with Messrs. Burgin, Kennedy, Lewis and Woodson voting AYE, the following appointment was made to the Parks and Recreation Advisory Board:

Mr. James Alexander	Term expires 3-31-12
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Planning Board

Upon a **motion** by Mr. Lewis, seconded by Mr. Burgin, and with Messrs. Burgin, Kennedy, Lewis and Woodson voting AYE, the following reappointments were made to the Planning Board:

Mr. Craig Neuhardt	Term expires 3-31-12
Ms. Karen Alexander	Term expires 3-31-12
Mr. Robert Cockerl	Term expires 3-31-12
Mr. Tommy Hairston	Term expires 3-31-12

Mr. Lewis noted that Council has an opportunity to make an adjustment for the size of the Planning Board and one vacant position will not be filled.

Tree Board

Upon a **motion** by Mr. Kennedy, seconded by Mr. Lewis, and with Messrs. Burgin, Kennedy, Lewis and Woodson voting AYE, the following reappointment was made to the Tree Board:

Dr. Herman Felton	Term expires 3-31-12
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Upon a **motion** by Mr. Kennedy, seconded by Mr. Lewis, and with Messrs. Burgin, Kennedy, Lewis and Woodson voting AYE, the following appointment was made to the Tree Board:

Mr. Johnnie Leach	Term expires 3-31-12
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Zoning Board of Adjustment

Upon a **motion** by Mr. Lewis, seconded by Mr. Burgin, and with Messrs. Burgin, Kennedy, Lewis and Woodson voting AYE, the following reappointment was made to the Zoning Board of Adjustment:

Mr. Scott Robinson	Term expires 3-31-12
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Upon a **motion** by Mr. Lewis, seconded by Mr. Burgin, and with Messrs. Burgin, Kennedy, Lewis and Woodson voting AYE, the following appointment was made to the Zoning Board of Adjustment as a City Alternate:

Mr. Scott Walker	Term expires 3-31-12
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PUBLIC COMMENT

Mayor Pro Tem Woodson opened the floor for public comment.

There being no one to address Council, Mayor Pro Tem Woodson closed the public comment session.

COMMENTS FROM THE CITY MANAGER

(a) Recovery Act Funds – Police Department

City Manager David Treme stated the Federal Stimulus Package has opened opportunities to the City and as funds become available staff will make Council aware of the opportunities. He recognized Mr. Doug Paris, Assistant to the City Manager, to update Council regarding current stimulus fund opportunities.

Mr. Paris stated that the Justice Assistance Grant, Byrne Grant (JAG Byrne) is eligible to local governments. He noted that the City is eligible to apply for \$161,498 in JAG Byrne funding and Rowan County is eligible to apply for \$52,642. He pointed out that this is a one-time funding source so the focus will be on one-time expenditures. He explained that the Rowan County Sheriff's Department and Salisbury Police Department are required to file a joint application and they are working together to complete the grant application. Mr. Paris indicated that the application should be ready for Council review by the second meeting in April 2009. He added that the application will also go to Rowan County for their consideration.

Mr. Paris stated that there are additional funds available through the Community Oriented Policing Services (COPS) grant. He indicated that the City's focus on this grant connects to the Rowan-Salisbury School System and school resource officers. He explained that the resource officers are currently funded 50% by the school system and 50% by the City. He noted that the City has been advised by the school system that they will cut funding for two to four of the positions. He stated that the COPS grant will provide salaries for these officers for three years. He informed Council that he will bring the application to Council for review in April or May 2009.

Councilman Kennedy stated that United States Attorney General Eric Holder, recently stated that he supports cities and the COPS programs and that once an application is submitted the applicant will receive a response within 15 days.

MAYOR'S ANNOUNCEMENTS

(a) City Park Tennis Courts

Mayor Pro Tem Woodson announced that the Salisbury Parks and Recreation Department will host a re-opening ceremony for the City Park tennis courts located on West Miller Street Saturday, March 21, 2009 at 10:00 a.m.

(b) Arbor Day Ceremony

Mayor Pro Tem Woodson announced that the Salisbury Tree Board will hold its Arbor Day Tree Planting Ceremony Wednesday, March 25, 2009 at 10:00 a.m. at the Dixonville Cemetery located at 210 Old Concord Road.

(c) Brown Wiseman Boxwood Sign Dedication

Mayor Pro Tem Woodson announced that the Salisbury Tree Board will hold a Brown Wiseman boxwood sign dedication Wednesday, March 25, 2009 at 2:00 p.m. at 2211 Old Mocksville Road.

(d) Lincoln Park Master Plan

Mayor Pro Tem Woodson announced that the Salisbury Parks and Recreation Department will hold a public meeting at the Salisbury Civic Center located at 315 Martin Luther King, Jr. Avenue Thursday, March 26, 2009 at 6:30 p.m. regarding the Comprehensive Master Plan and Park Master Plan for Lincoln Park. Ideas and input from the public are welcomed.

(e) Discover What's Outside

Mayor Pro Tem Woodson announced that the Salisbury Public Art Committee will install 14 sculptures downtown March 26-27, 2009 for the annual Salisbury Sculpture Show, *Discover What's Outside*, which will be held April 2009 through December 2009.

(f) Fiber To The Home

Councilman Kennedy stated that as a result of the American Recovery Reinvestment Act there are broadband funds available through the Broadband Technology Opportunities Program, administered by the United States Commerce Department, and through the Distant Learning Tele-Medicine Broadband Program, administered by the United States Agriculture Department. He indicated that Fiber To The Home ranks second behind a skilled labor force in site selection for businesses.

Mr. Kennedy pointed out that since Salisbury already has a Fiber To The Home business plan the City is not eligible to receive these funds unless the project runs over budget or the service is extended to rural areas.

CLOSED SESSION

Mayor Pro Tem Woodson informed Council that he would entertain a motion for the Council to go into closed session as allowed by NCGS 143-318.11(5).

Thereupon, Mr. Lewis made a **motion** to go into closed session regarding condemnation of sewer easements located on Tax Map 408 Parcel 023 and Tax Map 407A Parcel 011 as allowed by NCGS 143-318.11(5). Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis and Woodson voted AYE. (4-0)

RETURN TO OPEN SESSION

Thereupon, Mr. Lewis made a **motion** to return to open session. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis and Woodson voted AYE. (4-0)

Councilman Lewis stated that Council evaluated two sewer easements which will require initiation of condemnation proceedings.

Thereupon, Mr. Lewis made a **motion** to initiate condemnation proceedings to acquire sewer and construction easements over Tax Map 408 Parcel 023. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis and Woodson voted AYE. (4-0)

Thereupon, Mr. Lewis made a **motion** to initiate condemnation proceedings to acquire sewer and construction easements over Tax Map 407A Parcel 011. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis and Woodson voted AYE. (4-0)

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Burgin, seconded by Mr. Lewis. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 7:07 p.m.

Susan W. Kluttz, Mayor

Myra B. Heard, City Clerk